

Examiner's comments, or lack thereof in the April 21, 2005 Office Action, the Examiner has not provided disclosure in Glass et al. as to where a user identifier is included in a transaction request message. Glass et al. is related to secure transmission of biometric data over a network (see Abstract). In particular, preventing a photo of a user from being tampered with or substituted during transmission (see col. 2, lines 27-35). Glass et al. transmits a photo image as well as a code related to the image (see col. 5, lines 46-66). The photo image or associated code are not user identifiers as claimed.

In response in this Office Action, the Examiner states that the Office disagrees with argument, the token, which is, included within the transaction request message servers as a user identifier because it identifies the transaction in which contains the user identity (citing '193 col. 3, lines 60-67; and stating that this section explains how the token is provided to the camera or other sensor before the transaction request message).

Applicants respectfully traverse this argument. In particular, the token cited by the Examiner defines a unique transaction and couples the biometric data to the transaction. The purpose of this token is not as a user identifier, but for preventing the use of the biometric data at a later time (see col. 3, lines 60-67). There is no suggestion that this token could or would be mapped in a database to registered biometrics data as claimed in the present application. Accordingly, Applicants respectfully submit that the present invention distinguishes from the cited art at least on this point.

Next, applicants argued that the claims recite:

“and transmitting an authentication request message containing said biometrics data and said user identifier to said network”.

The Examiner states that this feature is shown by Glass et al. where “the file with code is output to a network for transfer to an authentication server system”, citing col. 3, lines 51-59. Applicants noted that claim 1 recites that this feature is performed by the electronic commerce service provider (ECSP). In the Examiner’s scenario, in Glass et al., the camera image sent to the network would be from an “end terminal” rather than from an ECSP. Further, again, as discussed above, there is no disclosure of the user identifier in Glass et al.

In response to this argument, the Examiner states in this Office Action that the Office disagrees (*sic*) the references should be applied in combination, as noted in the below and a previous Office Action Musgrave discloses the ECSP transmitting the authentication request (citing ‘151 col. 5, lines 36-60), and arguing that this section shows the receiver sends the biometric certificate for authentication to a biometric certificate management system (BCMS).

First, Applicants note that the prior response was in conjunction with the argument put forth by the Examiner. In the previous Office Action, the Examiner explicitly stated that this feature was not disclosed by Musgrave. Further, under the new analysis put forth by the Examiner, it is not clear why one of ordinary skill in the art would look to Glass et al., and its feature of a camera image sent to the network would be from an “end terminal” rather than from an ECSP, for incorporation into the Musgrave device. As such, should the application not be passed to issue, and in view of the new argument put forth by the Examiner, Applicants

RESPONSE UNDER 37 C.F.R. § 1.116
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respectfully request the Examiner provide the motivation for this combination in a non-final Office Action.

Finally, Applicants maintain the previous arguments put forth in the July 21, 2005 Response.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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